

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARVIN POLLACK

Plaintiff,

- against-

HOWARD HOLANCHOCK, Former Director
of MHFPC; MICHAEL HOGAN, Commissioner
of OMH; and PEGGI HEALY, Director of
MHFPC,

Defendants.

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DOC #: _____
DATE FILED: 6/15/12

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10 CV 2402 (RPP)

OPINION & ORDER

ROBERT P. PATTERSON, JR., U.S.D.J.,

The Court has received the following documents from Plaintiff Marvin Pollack:

1) a 68-page handwritten letter dated April 27, 2012, with 23 pages of exhibits attached and 2) a 130-page handwritten letter dated May 11, 2012 with over 200 pages of exhibits attached.

These documents, whose envelopes are postmarked May 25, 2012, and May 31, 2012, respectively, appear to be reply papers to Plaintiff's motion requesting the Court to require Defendant Mid-Hudson Forensic Psychiatric Center ("MHFPC") to affix affidavits of service to Plaintiff's submissions of pleadings and motions, as well as complaints that 1) his legal mail is being delayed by MHFPC and 2) actions of MHFPC staff are interfering with his access to his copies of legal papers etc.

First, both Plaintiff's documents are rejected as they do not comply with this Judge's individual rules of practice. These rules require that reply papers be no more than ten (10) pages in length and preferably typed.

Second, the matters therein relate to difficulties Plaintiff states he has had with members of the MHFPC staff. The Court declines to address these issues as they are outside the scope of

the relief it granted Plaintiff on September 9, 2010 when, in view of the closing of the law library at MHPFC, it ordered that Plaintiff be provided with “free internet access of Findlaw and Wikipedia Legal Research, as well as access to fax, legal correspondence (incoming and outgoing) to conduct the ongoing litigations to which he is a party.” (ECF No. 12.) The matters Plaintiff complains about involve the MHPFC’s response to Plaintiff’s behavior while in residence at MHPFC. Plaintiff alleges that the restrictions placed on him interfere with his civil rights. As noted in the Court’s prior Opinion dated May 9, 2012, protection of Plaintiff’s civil rights affected by MHPFC’s Individualized Intervention Plan falls in the jurisdiction of the Mental Hygiene Legal Service (“MHLS”). Indeed, MHLS has repeatedly advocated for Plaintiff in such matters during his time at MHPFC. (See Exs. B, C, D to the Declaration of Michael Peeples, Assistant New York State Attorney General, dated November 22, 2011.)

Plaintiff has not shown that any of the alleged delays caused by the staff at MHPFC have resulted in any way in this Court, or any court, denying him relief to which he was entitled. Accordingly, Plaintiff has not shown that his constitutional right to access to the courts has been denied as a result of the alleged actions of Defendants. See Lewis v. Casey, 518 U.S. 343, 349-350 (1996). Accordingly, his motions are denied.

Each party should update the Court with respect to any settlement negotiations. The parties should also consider filing a consent order which would make permanent the preliminary relief this Court granted Plaintiff on September 9, 2010 so that this litigation might be terminated.

IT IS SO ORDERED.

Dated: New York, New York
June 15, 2012



Robert P. Patterson, Jr.
U.S.D.J.

Copies of this Order mailed/faxed to:

Pro se Plaintiff:

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